

0590

**CERTIFICATE OF MAILING**

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Assistant Commissioner for Patents, Washington, D.C. 20231.

Typed or Printed Name	Steven F. Goldstein		
Signature	<i>Steven F. Goldstein</i>	Date	August 21, 2001

<b>PRELIMINARY AMENDMENT</b>  Address to: Box Patent Application Assistant Commissioner for Patents Washington, D.C. 20231	Attorney Docket Confirmation No.	CHOR-001 N/A
	First Named Inventor	Dan Granoff et al.
	Application Number	09/917,222
	Filing Date	July 27, 2001
	Group Art Unit	Unassigned
	Examiner Name	Unassigned
	Title	"Vaccines for Broad Spectrum Protection Against Diseases Caused by Neisseria Meningitidis"

Sir:

Prior to examination of the application on the merits, please enter the following amendments:

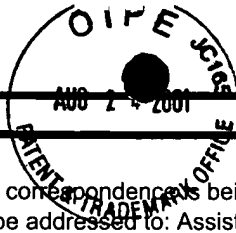
### AMENDMENTS

#### IN THE SPECIFICATION

Please replace paragraph number 207 on page 69, with the following rewritten paragraph:

**[00207]**                These deposits are provided merely as a convenience to those of skill in the art, and are not an admission that a deposit is required. A license may be required to make, use, or sell the deposited materials, and no such license is hereby granted. The deposit below was received by the ATCC on or before the filing date of the present application.

Description	ATCC Accession No.
Hybridoma 1D9	PTA-3552
Hybridoma 4B11	PTA-3553
Hybridoma 9B8	PTA-3551
Hybridoma 14C7	PTA-3554
MenC strain RM1090	PTA-3557
MenB strain BZ198	PTA-3555
MenA strain Z1092	PTA-3556



## CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Assistant Commissioner for Patents, Washington, D.C. 20231.

Name (Print/Type)

Steven F. Goldstein

Signature

Date

August 21, 2001

## TRANSMITTAL

☐ Small Entity☒ Large Entity

Application Number

09/917,222

Confirmation Number

N/A

Filing Date

July 27, 2001

First Named Inventor

Dan Granoff et al.

Examiner

Unassigned

Group Art

Unassigned

Attorney Docket No.

CHOR-001

## ENCLOSED:

☒ Amendment Under Rule☒ 37 CFR § 1.111☐ Pages

Claims

No. of claims as  
filed or after  
amendmentMost claims  
previously  
paid for

# Extra Claims

Rate

Totals

Total

59

Independent

9

Multiple

Total Extra Claim Fees

\$ -

\$ -

\$ -

☐ Applicants Petition for an \_\_\_\_\_  
Extension of time from \_\_\_\_\_ to \_\_\_\_\_

Fee

☐ Response to File Missing Parts (with copy of formalities letter)

☐ Filing Fee

Fee

☐ Executed Declaration

Pages

Surcharge Fee

☐ Other

Fee

Fee

Fee

Fee

Subtotal \$ -

☐ Information Disclosure Statement

☐ PTO Form 1449

Pages

☐ \_\_\_\_\_ Copies of Cited References☐ Other

Fee

Subtotal \$ -

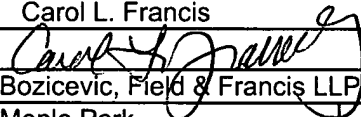
☐ Response to Notice to Comply (with copy of Notice to Comply)

☐ Sequence Listing Certification☐ Paper Copy of Sequence Listing

Pages

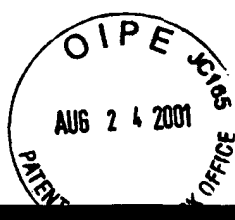
☐ Diskette in computer-readable format☐ Other

Fee

<input type="checkbox"/> Terminal Disclaimer		Fee
<input type="checkbox"/> Appeal to Board of Appeals and Appeal Communication to Group		
<input type="checkbox"/> Notice of Appeal	Pages _____	Fee _____
<input type="checkbox"/> Appeal Brief in Triplicate	Pages _____	Fee _____
<input type="checkbox"/> Reply Brief	Pages _____	Fee \$ -
		Subtotal \$ -
<input checked="" type="checkbox"/> Other Enclosures and/or Fees <u>Copy of the ATCC Report</u>		Fee _____
<input type="checkbox"/> Change of Correspondence Address		
<input checked="" type="checkbox"/> Return Receipt Postcard		TOTAL FEES \$ -
<p><b>The Commissioner is authorized to charge any fees which may be required, or credit any overpayment to Deposit Account 50-0815. If additional fees are required, including extensions of time, please consider this a petition therefore. A duplicate copy of this transmittal is enclosed.</b></p>		
<p><b>SIGNATURE OF APPLICANT, ATTORNEY OR AGENT REQUIRED</b></p>		
Name (Print/Type)	Carol L. Francis	Registration No. 36,513
Signature		Date 08-20-2001
Firm Name	Bozicevic, Field & Francis LLP	Address 200 Middlefield Road, Suite 200
City	Menlo Park	State California zip 94025
Telephone - Direct Dial	650-327-3400	Facsimile 650-327-3231

Application No. 09/917,222 Attorney Docket No. CHOR-001 Page 2 of 2

# ATCC



10801 University Blvd • Manassas, VA 20110-2209 • Telephone: 703-365-2700 • FAX: 703-365-2745

**BUDAPEST TREATY ON THE INTERNATIONAL RECOGNITION OF  
THE DEPOSIT OF MICROORGANISMS FOR THE PURPOSES OF PATENT PROCEDURE**

**INTERNATIONAL FORM**

**RECEIPT IN THE CASE OF AN ORIGINAL DEPOSIT ISSUED PURSUANT TO RULE 7.3  
AND VIABILITY STATEMENT ISSUED PURSUANT TO RULE 10.2**

**To: (Name and Address of Depositor or Attorney)**

**Childrens Hospital Medical Center  
Attn: Greg Moe, Ph.D.  
5700 Martin Luther King Jr. Way  
Oakland, CA 94609**

**Deposited on Behalf of:** Childrens Hospital Medical Center

**Identification Reference by Depositor:**

Fused CD1 Murine B-cell and Myeloma: 9B8

Fused CD1 Murine B-cell and Myeloma: 1D9

Fused CD1 Murine B-cell and Myeloma: 4B11-C5

Fused CD1 Murine B-cell and Myeloma: 14C7

Neisseria meningitidis: BZ198

Neisseria meningitidis: Z1092

Neisseria meningitidis: RM1090

**Patent Deposit Designation**

PTA-3551

PTA-3552

PTA-3553

PTA-3554

PTA-3555

PTA-3556

PTA-3557

The deposits were accompanied by:     a scientific description     a proposed taxonomic description indicated above. The deposits were received July 24, 2001 by this International Depository Authority and have been accepted.

**AT YOUR REQUEST:**   X   We will inform you of requests for the strains for 30 years.

The strains will be made available if a patent office signatory to the Budapest Treaty certifies one's right to receive, or if a U.S. Patent is issued citing the strains, and ATCC is instructed by the United States Patent & Trademark Office or the depositor to release said strains.

If the cultures should die or be destroyed during the effective term of the deposit, it shall be your responsibility to replace them with living cultures of the same.

The strains will be maintained for a period of at least 30 years from date of deposit, or five years after the most recent request for a sample, whichever is longer. The United States and many other countries are signatory to the Budapest Treaty.

The viability of the cultures cited above was tested July 31, 2001. On that date, the cultures were viable.

**International Depository Authority:** American Type Culture Collection, Manassas, VA 20110-2209 USA.

**Signature of person having authority to represent ATCC:**

  
Tanya Nunnally, Patent Specialist, Patent Depository

**Date:** August 13, 2001

cc: Carol L. Francis

Ref: Docket or Case No.: 60/221,495